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ENCLOSURE 1

PRESIDENTIAL ELECTION LAW
SIGNED BY PRESIDENT THIEU
JUNE 23, 1971
(Unofficial Translation by the American Embassy Saigon)

Law No. 9/71 of June 23, 1971, fixing procedures governing the election of the President and Vice President of the Republic of Viet-Nam:

Considering the April 1, 1967 Constitution of the Republic of Viet-Nam and after the National Assembly has debated and voted:

THE PRESIDENT OF THE REPUBLIC OF VIET-NAM

hereby promulgates Law No. 9/71 of June 23, 1971, fixing procedures for the presidential and vice-presidential elections, the text of which follows:

CHAPTER ONE

GENERAL PROVISIONS

Article 1: The procedures governing the election of the President and Vice President (1971-1975 term) are fixed as follows:

Article 2: (1) The election of the new President and Vice President of the Republic of Viet-Nam will take place on October 3, 1971;

(2) A decree of the Prime Minister shall determine the details of the election schedule in conformity with the provisions of this law.

Article 3: If in any locality the election cannot be held for reasons beyond their control, the mayor or province chief of that locality, with the concurrence of the local Election Council,

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is authorized to postpone the election until the next most favorable day, within one week, after informing the Interior Ministry; the Interior Minister will decide upon any postponement of the election day for military men outside the RVN territory.

CHAPTER TWO

VOTERS

Article 4: (1) Voters for the President and Vice President are Vietnamese citizens 18 years of age as of December 31, 1970 and who are inscribed on the voters' list and hold legal voters cards, except those sentenced to deprivation of rights of citizenship.

(2) Each citizen may be inscribed on only one voters' list.

Article 5: (1) In Saigon, the list of voters for each ward (phuong) will be established by the ward chief and approved by the district chief.

(2) In the provinces, the list of voters for each village will be established by the village chief and approved by the district chief.

(3) In municipalities, the list of voters of each urban district (khu pho) will be established by the district chief or, if there is no district chief, by the mayor.

(4) The lists of voters will be posted for the first time sixty (60) days prior to the election day at the various city, district, provincial and district administrative offices, and at the offices of the wards, villages, urban districts, hamlets and other necessary places, fixed by the Saigon Prefect, Province Chiefs and Mayors.

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(5) Concerning voters who are in the military and their families residing in military camps, the lists of voters will be established by the Battalion Commanders (for regular troops) and Company Commanders (for regional forces) and transmit[illegible] for countersignature to the appropriate mayor[illegible]r district chiefs before their posting.

(6) Concerning voters who are military men outside of Vietnamese territory, lists of voters will be established by the commanders of the units from which they originate, in accordance with the rules stipulated in the preceding paragraph of this article, and communicated to the Interior Ministry.

(7) A copy of the list of voters of each village, urban district and ward will be posted at the appropriate municipal administrative office, province administrative office, district administrative office, or the Saigon City Hall.

(8) Any voter who changes his residence, and who wants to vote at his new place of residence, must make a declaration to the local authorities (village, urban district, ward, district) according to the rules governing family declarations, at the latest ten (10) days prior to the first posting of the lists of voters.

Article 6: (1) Civil servants and military men on missions, reassignment, or unable for reasons beyond their control to return to places of residence where their names are registered on the voters' list, may cast their votes at their actual location on election day without having to previously register their names on the voters' list.

(2) In addition to their voting cards, civil servants and military men must show a certificate related to the special cases described above and duly delivered by responsible higher authorities. In such cases, the chairman of the committee in charge of the polling booth must prepare an additional list for transmittal to the Local Election Council.

(3) Military men operating outside Vietnamese territory may cast their votes at voting stations near their places of operation. The main voting station will be established in Saigon and operated by the Interior Ministry.

Article 7: (1) Citizens who fulfill all the conditions for voting but whose names do not appear on the list of voters, or appear incorrectly, have the right to complain.

(2) The complaints must be lodged at the ward, village or urban district office within 20 days from the first posting of the voters lists. The agencies which receive the complaints will deliver a receipt to the interested persons and send the complaints, together with their opinion, to the capital, municipal or provincial office.

(3) Following the end of the period for lodging complaints, voters lists and complaints, if any, will be dispatched by mayors and chiefs of provinces to the Council stipulated in Article 9 five (5) days after the expiration of the 20-day time limit mentioned above.

(4) The lists of voters must be decided by the Councils and sent back to the responsible administrative authorities within seven (7) days.

(5) The responsible administrative authorities will post the list of voters for the second time at the places stipulated in Article 5, at the latest twenty (20) days prior to the election day.

Article 8: (1) Procedures for making and issuing voting cards will be determined by the Interior Ministry.

(2) The issuance of voting cards must be completed one week prior to the election day.

Article 9: In the Saigon capital, each city and each province, a Local Election Council will be established, with the following composition:

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- The Chairman is the presiding judge of the Court of First Instance, the local Conciliation Court with Extended Jurisdiction, or the local Conciliation Court, or if there is no court in this locality, a judge designated by the Supreme Court.

- One (1) Deputy of the constituency and four (4) members of the Municipal or Provincial Councils who are not candidates or candidates' representatives chosen by the above councils.

- One (1) representative of the Saigon, city or province administrative office will serve as reporter and will have the right to vote.

CHAPTER THREE

CANDIDATES

Article 10: Citizens meeting the following conditions will have the right to run for President or Vice President:

(1) Candidates must be Vietnamese-citizens by birth and continuously until the day of the election.

(2) They must have lived on Vietnamese territory at least ten years counting back from election day. Time spent abroad on official missions or in political exile is considered as time spent in Viet-Nam.

(3) Candidates must be 35 years old on election day.

(4) Candidates must enjoy all rights of citizenship.

(5) Candidates must have complied with military draft regulations.

(6) Candidates must not fall within the categories prescribed in Article 11.

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(7) Candidates must be recommended by at least forty (40) Deputies or Senators, or by one hundred (100) municipal or provincial councilmen. Concerning the Deputies and Senators, their recommendations must be certified by the Chairman of the concerned House. Concerning the councilmen, their recommendations must be certified by the mayor or province chief concerned. Each Senator, Deputy or Councilman may recommend but one slate. The Chairmen of the Upper and Lower Houses, mayors and province chiefs only confirm or certify the signatures appended to the recommendation letters, one for each senator, deputy or councilman. Such a recommendation cannot be withdrawn after it has been sent to the recommended slate. In case a people's representative recommends more than one slate, his recommendations will be considered null and void.

Article 11: The following persons will not be allowed to be candidates:

(1) Those sentenced for criminal felonies and misdemeanors, except for crimes committed by carelessness and negligence. However, those guilty of fleeing the scene of a traffic accident will not be allowed to run.

(2) Those who have been deprived of civic rights or the right to run by Court sentences according to laws now in force.

(3) Those under legal guardianship or suffering from mental disease.

(4) Persons who have gone bankrupt and are not yet rehabilitated.

(5) Persons who have not complied with orders to serve in the Armed Forces.

(6) Civil servants, military men, government officials in all branches and of all levels, who have been suspended, dismissed or resigned for disciplinary reasons.

(7) Those who have worked for Communism or pro-Communist neutralism.

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(8) Candidates holding popularly elected positions who did not receive the minimum number of votes in previous elections as determined by the law, and who have not paid back the Treasury the prescribed sum after having received a summons from the responsible agency.

The provisions of paragraphs 1, 2 and 6 cited above do not apply to those who have their status restored according to procedures set forth in Decree-Law 4/63 of December 26, 1963, or who have been amnestied under Decree-Law 083/St/CT of January 29, 1964, 44/67 of October 1967, and subsequent actions.

Those who, prior to April 1, 1967, have been sentenced for felonies or misdemeanors, including those of political character or for political reasons, at the latest eighty (80) days prior to the election day, may appeal for the Council's decision confirming that the sentences passed upon them should not prevent them from running.

This Council will be presided over by the Chief Justice of the Supreme Court, assisted by two (2) other Justices serving as members, and must pass a decision within one week following the date of receipt of the appeal.

Article 12: (1) Applications for candidacy must be filed as a slate including the name of the Presidential and Vice Presidential candidates. Applications must be filed in duplicate with each candidate's full name, aliases if any, date and place of birth, occupation, present residence, and a certified, clear signature of each candidate.

(2) Furthermore, there may be an alternate candidate to replace a Vice Presidential candidate who is unable to run for any reason. Such a change may be effected only prior to election day. The alternate candidate must also be recommended.

(3) Each slate must clearly indicate which person is a candidate for President and which is a candidate for Vice President.

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(4) Each candidate can have his name on only one slate.

(5) Each candidate must establish a Saigon address as an official place of liaison with agencies responsible for organizing the election.

Article 13: Candidates' applications will be submitted by a candidate on the slate or by his representative to the Supreme Court at least sixty (60) days prior to election day, and must be accompanied by the following documents:

(1) A birth certificate or a document replacing it.

(2) A #2 police record not more than three months old.

(3) An affidavit that the candidate has had continuing residence on Vietnamese territory for at least ten years immediately prior to election day.

(4) A certificate that the candidate has complied with military draft regulations.

(5) In the case of military personnel and civil servants, a document indicating permission to go on leave without pay or a receipt indicating the candidate has requested leave without pay as set forth in Article 16.

(6) Receipt for deposit for electoral campaign expenses prescribed in Article 21.

(7) A list of representatives on the Central Election Campaign Committee prescribed in Article 18.

(8) Symbol of the slate and five 4 cm by 6 cm photographs of each candidate.

(9) The recommendation letter prescribed in Article 10, Section 7.

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If the candidates are the incumbent President or Vice President, the dossiers submitted to the Supreme Court will be composed of the applications, photos, symbol and name of the slate, receipts for the deposits mentioned in Article 21, the recommendation made by the people's representatives, and the list of their representatives on the Central Election Campaign Committee.

When it receives an application, the Supreme Court must immediately issue a receipt to the person filing it. Slates of candidates will be arranged according to the sequence in which the applications are received.

Article 14: The Supreme Court has the following responsibilities:

(1) To receive applications and documents of candidates;

(2) To determine the admissibility of the candidates' dossiers.

Within 24 hours after the deadline for filing candidacies, the Supreme Court will post for the first time, at the Supreme Court, a list of the slates of candidates who have submitted the documents required by Article 13. At the same time, the Supreme Court will transmit the list to the Interior Ministry for posting at Saigon City Hall. The list of slates must be posted at the headquarters of other municipalities, provinces, districts and villages, at the latest five (5) days after the deadline for filing candidacies.

Article 15: (1) Voters and candidates may file complaints with the Supreme Court concerning qualifications of candidates no later than eight (8) days after the first posting of the list of candidacies.

(2) The Supreme Court must transmit the complaints to the slates concerned.

(3) The General Assembly of the Supreme Court will announce in a public session its decision regarding the second posting of the list of candidacies within seven (7) days following the time allowed for filing complaints.

(4) The slates concerning which complaints are made may, in person or through representatives, consult the file and undertake their defense before the Supreme Court.

(5) Lists of candidacies will be posted a second time according to the procedures set forth in Article 14 at the latest forty (40) days prior to the election day.

(6) A record of this second posting will be kept.

Article 16: (1) Civil servants and military personnel wishing to be candidates must request, and will automatically receive, leave without pay from the day of the second posting of the list of candidacies through election day.

(2) This article does not apply to persons holding popularly elected positions.

Article 17: (1) After an application is filed, candidates may withdraw their applications only with the consent of the entire slate.

(2) After the date of the second posting of the list of candidates, candidates do not have the right to withdraw their applications for candidacy.

CHAPTER FOUR

ELECTION CAMPAIGN

Article 18: (1) A Central Election Campaign Committee will be established for the whole country composed of one principal and one alternate representative for each slate of candidates.

(2) A Local Election Campaign Committee of similar composition will be established in each municipality and province.

(3) Representatives on Local Election Campaign Committees will be designated by Central Election Campaign Committee representatives.

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(4) The names and addresses of Local Election Campaign Committee members must be transmitted to local authorities by the Central Election Campaign Committee at the latest five (5) days after the second posting of the list of candidates.

(5) Slates may change representatives throughout the campaign period.

Article 19: (1) The Central Election Campaign Committee will be convened by the Interior Ministry no later than three (3) days after the second posting of the list of candidates.

(2) The Chairman of the Election Campaign Committee will be elected by the representatives of the slates.

(3) If there are only two slates of candidates, the Chief Justice of the Supreme Court will designate a justice of the Supreme Court to serve as Chairman of the Election Campaign Committee.

(4) The Chairman of the Campaign Committee directs debate of the Committee. In the event of a disagreement between candidates' representatives resulting in a tie vote, the Chairman has the right to cast the deciding vote.

Article 20: (1) All candidates will enjoy equal facilities during the election campaign.

(2) Election campaign committees will be charged with the following tasks:

a. To fix the number, the size and the color of posters and leaflets. Each slate will have at the maximum two kinds of posters not larger than 65 cm by 100 cm and two kinds of leaflets not larger than 20 cm by 25 cm.

b. To fix the printing, transportation and distribution of the leaflets and posters cited above.

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c. To fix the places and date for beginning to put up posters and distribute leaflets.

d. To organize talks with the voters for candidates of their representatives.

e. To determine procedures governing press activities and press conferences on behalf of candidates or their representatives. No press articles related to the election campaign can be censored except within the limitations prescribed by Articles 4 and 12 of the Constitution.

f. To fix modes of use of mobile broadcasting units, radio stations and television in those places where those facilities exist.

(3) Time for use of these facilities must be divided equally among the slates of candidates.

(4) The schedule of campaign activities must be reported by Electoral Campaign Committees to the local administrative authorities.

(5) No one is allowed to make use of campaign means outside the types and procedures fixed by this article.

(6) The Vietnamese language will be used in all campaign activities.

Article 21: (1) Expenses related to the organization of the elections will be borne by the national budget.

(2) Concerning campaign expenditures and the cost of candidates' observers, the national budget will cover a maximum expense of three piasters per voter for each slate in the entire country. The total expenditure shall not exceed eighteen (18) piasters for each voter.

(3) If the Central Election Campaign Committee unanimously deems a large amount necessary, the national budget will

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still only provide the above mentioned maximum sum and candidates must cover the extra expenditures by their own means.

(4) Each slate must deposit in the Treasury a sum of two (2) million piasters (2,000,000$).

(5) No refunding of the above deposit is made to any slate of candidates that fails to receive twenty per cent (20%) of the total number of valid votes cast in the country. In addition, the candidates on each slate are jointly responsible for the reimbursement to the National Budget of the difference between the deposit and the campaign expenditures of the slate should these expenditures exceed two million piasters (2,000,000$).

(6) In all cases, the election campaign funds must be administered and paid out directly by the Interior Ministry.

Article 22: (1) Slate symbols and photographs of candidates must be submitted to the Campaign Committee for approval and transmittal to the Interior Ministry at the latest one day after the first convening of the Campaign Committee.

(2) Any slate wishing to alter its symbol or photographs must submit changes to the Central Campaign Committee not later than the above-mentioned day.

(3) Texts of posters and leaflets must be submitted to the Central Election Campaign Committee within the time limit set by the Committee.

(4) Candidates are free to choose their own symbols, but queer, international and religious symbols are forbidden. Symbols of political groups can be used except in cases where they are contested by the central executive committee of the group concerned.

(5) Lists may not choose symbols which are similar to each other.

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(6) Slates of candidates in the first presidential election have priority in retaining their previous symbols.

(7) Symbols must be approved by the Central Campaign Committee.

Article 23: (1) The electoral campaign will begin thirty (30) days prior to the election day and will end at 12 noon on October 2, 1971.

(2) Any candidates or representatives noting a violation of the provisions of Article 20 or of this article have the right to request the campaign committee to inform local authorities so as to immediately put an end to the violation.

CHAPTER FIVE

VOTING PROCEDURES AND VOTE COUNTING

Article 24: (1) The President and Vice President are elected together by secret, direct and universal vote.

(2) The slate receiving the largest number of votes will be declared elected.

(3) In case of a tie between slates, the one having the oldest candidate for President will be declared elected.

Article 25: (1) The printing of ballots for all candidates will be undertaken by the Interior Ministry in accordance with the attached model.

(2) On each ballot there will be printed the full name, symbol and photograph, slate number and name of the presidential and vice presidential candidates.

(3) All ballots of all candidates will be printed in the same color on white paper and packed in equal numbers. Each package should have marked on it the slate number and should contain 100 ballots.

Article 26: (1) The location of polling stations will be decided by mayors and province chiefs and announced publicly at the latest three (3) days before the election day.

(2) The locations of polling stations set up near the places of operations of the Army outside the RVN territory will be decided by the Interior Ministry.

(3) A committee composed of a chairman, a deputy chairman and an even number of members, at least two, will be in charge of each polling station.

(4) The Chairman and Deputy Chairman will be appointed by the mayors and province chiefs from among serious men well versed in the election law.

(5) In polling stations set up near the places of operations of the Army outside the RVN territory, the Chairman and Deputy Chairman will be appointed by the Interior Ministry.

(6) The members are chosen by the Chairman from the voters present at the polling station on the election day.

(7) Each slate has the right to designate an observer in the polling station. These persons must have a certificate issued by the candidates, or by the official representative of the list, and duly certified by authorities. Observers have the right to vote at the polling station which they are observing.

(8) The procedures and means to facilitate observers' coming to polling stations reserved for military personnel operating outside the RVN territory will be guaranteed by the Interior Ministry.

(9) The committee chairman is entrusted with the task of supervising the voting so that it will proceed in conformity with the electoral law. He is responsible for keeping order at the polling station.

(10) The chairman is obliged to make a report immediately in the event of fraud or if a complaint is made by a candidate's representative.

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(11) The deputy chairman assists the chairman in the above duties and in particular will supervise the distribution of ballots.

(12) The voting begins at 0700 and ends at 1700 the same day.

Article 27: (1) Voters have to cast their ballots personally at the polling stations. They cannot vote by mail or by proxy.

(2) When entering the voting booth, the voter is forbidden to carry weapons. He must show his voting card together with his identity card before receiving an envelope and one ballot for each slate of candidates.

(3) The person who distributes the ballots must give voters one for each list of candidates and alternate the sequence in which they are given to the voter.

(4) In case of shortage of ballots of one or more slates at the polling station, the voting process in this station must be interrupted immediately until the complete restocking of ballots for all slates.

(5) A record of this fact, if it occurs, should be made on the report of the polling station.

(6) The voter must go alone into a covered booth. If he wishes to vote for a certain list, he will choose the ballot of this list and put it in an envelope.

(7) The voter must select a ballot from among those given to him. He cannot add, delete or change any names or change the sequence of names on the ballot. He cannot choose names of candidates from different ballots.

(8) Unused ballots must be torn apart and dropped in a container placed at the polling booth. Voters are strictly forbidden to take them out of the polling station.

(9) Upon leaving the polling booth, the voter will take with him the envelope containing the ballot, hold it high to show there is only one envelope, then drop it in the ballot box.

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(10) A physically handicapped voter may be allowed by the committee chairman to select a voter to help him. The committee chairman has full authority to decide on these cases.

(11) After the voter has cast his ballot, a member of the committee in charge of the polling station will stamp the voter's voting card and cut off a corner of the card. The corners cut from voting cards must be preserved in order to count the number of voters who have voted.

Article 28: (1) The ballot box has a small slot for the passage of the ballot. When the voting begins, the committee chairman opens the ballot box and shows it to the public so that latter can see that it is empty.

(2) Then the ballot box is closed by two different locks whose keys are kept one by the committee chairman and the other by the oldest member of the committee.

(3) After the end of voting, if the keys are missing the ballot box must be opened by any means and the fact must be recorded in the report.

Article 29: (1) If there are many signs indicating that there may be serious disturbances during the counting of votes, mayors and province chiefs may authorize the committee in charge of the polling station to bring the ballot boxes to a more secure place to count the ballots.

Regarding the polling stations set up for military personnel operating outside the RVN territory, the transfer of ballot boxes to a more secure place will be decided by the Interior Minister.

(2) In such cases, the following measures must be strictly applied:

a. Voters and candidates' representatives must be informed.

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b. Before moving the ballot boxes, the committee chairman must seal all ballot boxes, slots in ballot boxes and keyholes, as well as related documents.

c. From the start of the move until the counting of the votes, candidates' representatives, if any, and all committee members must be present.

All these conditions must be carried out and recorded in the report. The report must have the signatures of the observers of the slates of candidates, if any; if not, the election at the polling station concerned will be considered invalid.

Article 30: When voting is over, votes will be counted in the following manner:

(1) The committee in charge of the polling station will appoint from among the voters present who can read and write a number who will count ballots. These persons will be divided into groups of four persons, four for each table, and will work under the direct observation of candidates' observers, if any.

(2) The committee chairman opens the ballot boxes and has the envelopes counted. If the number of envelopes exceeds or is less than the number of voters who have voted, it must be noted in the report. The number of voters who have voted is the number of corners cut from the voters' cards.

(3) The committee chairman puts some ballots on each table for counting. At each table, the first counter opens the envelope and hands the ballot to the second counter, who reads aloud the names printed on the ballot. The ballot is then handed over to two other vote counters who check it again and note it on the tally sheet.

(4) During the vote counting, the above mentioned first and second counters are strictly forbidden to have in their hands any instrument that could invalidate a ballot.

Article 31: Ballots will be considered invalid in the following cases:

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(1) If the envelope contains more than one ballot; however, if all the ballots are for the same slate, then it is considered valid and counts as one vote.

(2) If the envelope is different from those distributed to voters.

(3) If the envelope is empty or contains something other than the ballots distributed.

(4) If the envelope or ballot bears an inscription or sign.

(5) If the ballot is not inside the envelope.

(6) If the ballot shows additional names or the names of candidates have been changed or their order modified, or if the ballot is torn in two parts or torn so that the first name or surname of a candidate is missing.

The committee chairman and one member of the committee must sign on the irregular envelope or ballot, which will then be enclosed with the committee report, which will state clearly the cause of the irregularity.

If the irregular envelopes and ballots are not enclosed with the report, the election will be annulled only in the case that the irregular ballots could modify the results of the election.

Article 32: (1) Immediately after vote counting has been completed, the committee in charge of the polling station will prepare a report in four (4) copies.

(2) In the provinces, the chairman of the village polling committee will post one copy of the report in his office, keep one copy for himself, and forward two copies together with the ballots and envelopes described in Article 31, if any, to the main polling office of the district at the district headquarters for a summing up of the results in the district. The committee chairman of the main polling station will add up the number of votes received by each slate and prepare a report in quadruplicate for all polling stations within the district and will post the temporary returns at the district headquarters.

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(3) Immediately after, the above-mentioned report will be sent to the polling center of the province established at the province capital. The committee chairman of this polling center will add up the total number of votes for the province, write a report, and post the temporary results at the province headquarters.

(4) In municipalities, the temporary results from various polling stations will be transmitted to the main polling station located at the municipal administrative office.

(5) In Saigon, the chairman of the polling stations, in accordance with the procedures set forth in paragraphs 1 and 2 of this Article, will transmit their report, enclosing the ballots and envelopes mentioned in Article 31, if any, to the main polling stations of the district for the adding up of the results for the district. The chairman of the district main polling station will add up the votes for each slate and make a report in four (4) copies and will then post the temporary results at the district headquarters.

(6) Immediately thereafter, the report enclosing the ballots and envelopes mentioned in Article 31 will be transmitted to the main polling center set up at the City Hall.

(7) Concerning the polling stations set up near the places of operations of the Army outside the RVN territory, the chairmen of these polling stations must draw up reports, seal them, and transmit them with the ballots and envelopes mentioned in Article 31 to the central polling station set up in Saigon, in conformity with the procedures set forth in this Article.

Article 33: Temporary results of the elections in the capital, the cities, the provinces and polling stations reserved for military personnel operating outside the national territory shall be transmitted by the most rapid means available to the Supreme Court, which will announce the temporary results as it receives them.

Article 34: (1) Reports from the capital, the cities, the provinces and polling stations reserved for military personnel operating outside the national territory, and the enclosed invalid ballots

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and envelopes must be transmitted to the Supreme Court at the latest five (5) days after election day.

(2) No later than 24 hours following receipt of these reports, the Supreme Court shall gather in plenary session so that the results may be summed up. At this session, the Chief Justice will hand over the reports to two (2) justices who will take turns reading them aloud while two (2) members of the Supreme Court Secretariat keep tally of the temporary results.

(3) A report of the temporary results will be drawn up in three (3) copies:

one for the Interior Ministry,
one for the Supreme Court Secretariat,
one for the National Archives.

CHAPTER SIX

VIOLATIONS, PENALTIES AND LEGAL PROCEEDINGS

Article 35: Anyone who brings one or more unused ballots out of the polling station shall be fined from 5,000VN$ to 50,000VN$ and imprisoned from one month to one year.

Article 36: (1) Anyone who deliberately does not distribute voting cards, or who creates difficulties for those who come to receive their voting cards, shall be fined from 5,000VN$ to 50,000VN$ and imprisoned from one month to one year.

Article 37: (1) All other violations related to the free and honest character of the election shall be penalized according to the stipulations of Articles 35 to 47 of Law 1/67 of June 15, 1967, governing the election for the first term of the President and Vice President.

(2) Parliamentary privilege cannot be claimed to avoid prosecution related to violations of the election law.

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Article 38: (1) Candidates, representatives of slates, observers and voters are entitled to lodge complaints with regard to violations of the election law.

These complaints must be filed at the Court of First Instance or Court of Peace with extended jurisdiction where the violations occurred, at the latest three (3) days after the election day. Complaints concerning violations occurring at polling stations reserved for military personnel operating outside RVN territory must be filed at the Saigon Court of First Instance.

(2) The Court must pass judgment no later than three (3) days after receipt of the complaint.

(3) Appeals must be lodged within three (3) days from the day of judgment.

(4) The Court of Appeal must reconsider the case within the limit of five (5) days after the expiration of the time limit for appeal.

(5) Time limit for the last appeal to the Supreme Court is three (3) days.

(6) The Appeal Committee of the Supreme Court must try the case at the latest three (3) days after the expiration of the time limit for the last appeal. In case of reversal of a conviction by the Court of Appeal, the Appeal Committee of the Supreme Court will try at the same time the main issue of the case.

Article 39: All court documents and records of sentences related to election violations are exempt from stamp and registration taxes.

CHAPTER SEVEN

VALIDATION AND ANNOUNCEMENT OF RESULTS

Article 40: The Supreme Court supervises the validity of the election and announces the results.

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Article 41: Complaints regarding the voting must be filed at the Supreme Court within three (3) days following election day. Upon receiving a complaint, the Supreme Court must issue a receipt.

Article 42: (1) The Supreme Court will meet to take a final vote on the validity and official returns of the election within twenty (20) days of the expiration of the time period for lodging complaints.

(2) Throughout the process of examining complaints, slates which are the subject of complaints have the right to be notified of the documents in question and to plead their case.

Article 43: If it sees there has been any important irregularity that may alter the honesty of the voting at one or more polling stations and that may affect the overall result of the election, the Supreme Court shall declare null and void the voting at these stations.

Article 44: Should the situation foreseen in Article 43 arise, the Interior Ministry will organize a new election in the concerned localities, within one week at the maximum, using existing lists of voters and the same slates of candidates.

Article 45: In the above mentioned situation, the Supreme Court shall control the validity and announce the election returns according to the provisions of Article 41 and following Articles.

Article 46: The Supreme Court shall proclaim the annulment of the entire election if it finds that confirmed irregularities bring the honesty of the voting into question and change the general result of the election.

Article 47: In the circumstances described in Article 46, a law shall fix the date and procedures for another election.

Article 48: Returns of the election shall be published in the Official Journal of the Republic of Viet-Nam.

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CHAPTER EIGHT

TRANSITORY DISPOSITIONS

Article 49: From the day their election is announced until the moment they are sworn in before the people, the President and Vice President elect have the right:

(1) To be informed regularly of information concerning the situation of national security exactly as the incumbent President and Vice President;

(2) To attend the sessions of the National Security Council and of the Cabinet;

(3) To be consulted on important decisions concerning the destiny of the nation, especially international agreements and conventions;

(4) To receive protection the same as that of the incumbent President and Vice President.

Article 50: (1) Provisions of existing laws that are contrary to this Law are rescinded.

(2) This Law will be published in the Official Journal of the Republic of Viet-Nam.

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ENCLOSURE 2

BRIEF SUMMARY OF THE
1971 PRESIDENTIAL ELECTION LAW
OF THE REPUBLIC OF VIET-NAM

1. The Presidential Election will be held October 3, 1971. Filing deadline for candidates is August 4.

2. Voters. All Vietnamese 18 years of age as of December 31, 1970, are entitled to vote (except criminals and those deprived of citizenship rights). Detailed procedures for drawing up lists of eligible voters, for insuring that each person votes only once, and for suitably processing any complaints are an integral part of the law. There are special provisions for safeguarding the vote of members of the armed forces, including those operating outside the territory of the Republic of Viet-Nam.

3. Candidates. Candidates for President and Vice President (and, optionally, an alternate Vice Presidential candidate who steps up any time prior to election day if the Vice Presidential candidate is unable to run) must satisfy a number of criteria, including Vietnamese citizenship from birth, at least 10 years of residence in Viet-Nam immediately prior to election day, and a minimum age of 35 years. They must also be officially recommended by a total of 40 Deputies and/or Senators or by 100 municipal and/or provincial councilmen. (Each may recommend only one Presidential slate.) Certain categories of persons are not permitted to run, including those who have worked for Communism or pro-Communist neutralism. Each slate must deposit in the Treasury a sum of 2 million piasters (US$16,950 at the official rate) toward campaign expenses, which is not returned if the slate fails to receive 20 per cent of the vote. The Supreme Court scrutinizes qualifications and deals with complaints.

4. Campaign. The campaign period, September 2 to October 2, is fixed by law. The conduct of the campaign will be guided by the law and by a Central Election Campaign Committee and by Local Election Campaign Committees in each municipality and province. These committees are composed of representatives of the slates. The key principle is that all candidates should be afforded roughly equal opportunities to present their cases to the voters, particularly with regard to use of public media and facilities. Even the size and number of posters is fixed. Expenses will be underwritten by the government, up to a maximum stated in the law.

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5. Voting and Results. The law details the exact procedures to be followed on voting day. These are aimed at diminishing the likelihood of electoral fraud, and in particular include the right of every slate to have a pollwatcher at every polling station throughout the process of voting and vote counting. The Supreme Court validates the results and is the ultimate authority for judging complaints. It has the power to order new elections.

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ENCLOSURE 3

SCHEDULE OF EVENTS
1971 PRESIDENTIAL ELECTION LAW

August 4:	(60 days before election day)
	Filing deadline for candidacies (filed at Supreme Court)
	Lists of voters posted for the first time at local administrative offices
August 5:	First posting in Saigon of lists of candidates
August 9:	Deadline for posting of lists of candidates in cities, provinces, districts and villages
August 13:	Deadline for filing complaints on qualifications of candidates
August 20:	Deadline for Supreme Court to announce its decision on complaints
August 24:	(40 days before election day)
	Deadline for second posting of lists of candidates, after which candidacies cannot be withdrawn
August 27:	Deadline for convening Central Election Campaign Committee (representatives of each slate)
September 2:	Election campaign period begins
September 13:	Deadline for second posting of lists of voters
September 30:	Deadline for announcing location of polling stations
October 2 (12 noon):	Electoral campaign period ends

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October 3:	Voting from 0700 to 1700
October 6:	Deadline for filing complaints with local court or with Supreme Court
October 8:	Deadline for submitting results to Supreme Court
	(Within 24 hours of receipt of all results, Supreme Court must hold a plenary session to add them up)
October 26:	Deadline for Supreme Court to take a final vote on validity of the elections and final election returns

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DEPARTMENT OF STATE

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HANDLING INDICATOR

TO : Department of State

INFO : BANGKOK, CINCPAC FOR POLAD, DANANG, USDEL FRANCE (2), VIENTIANE

FROM : Amembassy SAIGON DATE: July 2, 1971

SUBJECT : LOWER HOUSE ELECTION:: Decree Fixes Seats for Each Constituency

REF : Saigon A-88, June 22, 1971

EA

1. In accordance with Article 2 of the Lower House Election Law (refairgram), the Prime Minister June 22 signed a decree fixing the number of seats for each constituency. This decree is enclosure 1 to this airgram. The total number of seats is 152, compared with 137 in 1967. The provisions for seats for minorities, 16 seats in all, are the same as in 1967. The fifth column in the annex to the decree states the number of registered voters in the constituency concerned. These numbers (which add up to 6,612,291) indicate registered voters as of December 31, 1970. The number of voters as of election day should be somewhat greater.

2. Also enclosed to assist in following the election are a summary of the Lower House Election Law (enclosure 2) and a schedule of the principal events related to the election (enclosure 3).

1971 JUL
DEPARTMENT OF STATE

BUNKER

Action assigned to
Action Taken
Date of Action
Action Office Symbol
Name of Officer

Enclosures: att 8
1. Decree fixing seats for Lower House election
2. Summary of the Lower House Election Law
3. Lower House Election Schedule of Events

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FORM 4-62 DS-323

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Clearances: POL:JSylvester	